

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.

M.A./O.A./T.A./ 166 /1989

S S Pujary

Applicant(s).

R K Patel

Adv. for the
Petitioner(s).

Versus

Ministry of India

Respondent(s).

U D Ajmera

Adv. for the
Respondent(s).

SR.NO.	DATE.	ORDERS.
		7/1/89 (Copy Served)
2/1/89		Pr. issue notice of P.A. to respondents pending Admissibility of res.
1/1/89		Pr. issue notice of order with D.O.T. vdr. vdr. with D.O.T. res.
→		Further reply filed by Mr. J.D. Ajmera, Adv. for respondents
*		<u>ay</u> 13/2



Coram : Hon'ble Mr. P.M. Joshi : Judicial Member

Hon'ble Mr. P.S. Chaudhuri: Administrative Member

20/04/1989

In this application the present petitioner has challenged the orders dt. 29.3.1989 whereby his services are sought to be terminated as Salt Inspector. Heard Mr. K.K. Shah and Mr. J.D. Ajmera, the learned counsel for the petitioner and respondents respectively. According to Mr. K.K. Shah, the learned counsel for the petitioner, in terms of the order he was already selected and there was no question of undergoing selection procedure by appearing in the examination and passing the same. We have heard Mr. K.K. Shah at considerable length. During his submission, it is conceded that the petitioner had appeared in the selection test thrice but he has failed in the test. Having regard to the special facts and circumstances of this case, for admitting the application and grant any interim relief, it is found expedient to issue notices to the respondents. Issue notices to the respondents to show cause why the application should not be admitted and interim relief should not be granted as prayed for. The respondents are directed to file the reply within 15 days from the date of receipt of the notice. The case be posted on 4.5.1989 for admission and interim relief. Direct service ~~permitted~~ to respondent No. 2. ~~permitted~~

P.S. Chaudhuri
(P S Chaudhuri)
Administrative Member

Joshi
(P M Joshi)
Judicial Member

a.a.bhatt

Coram : Hon'ble Mr.P.M. Joshi : Judicial Member

Hon'ble Mr.B.K. Chakravorty : Administrative Member

1/05/1989

- filed by -

In this application the petitioner under Section

19 of the Administrative Tribunals Act, 1985, has challenged

the order dated 29.3.1989 which according to the

petitioner was received on 3.4.1989. It is alleged by that the respondents are likely to relieve him tomorrow

by evening. Mr.K.K. Shah the learned counsel for the petitioner has invited our attention to the similarly situated employee namely Mr.K.S. Sanyasi Rao, whose services were also terminated by respondent authorities and he has been protected by the interim orders passed by Hyderabad Bench of the Tribunal in OA/248/89 on 29.3.1989.

Mr.Y.M. Thakkar has filed the reply and the objections against the application and the interim relief. They are taken on record. According to Mr.Y.M. Thakkar the petitioner has been given three chances for passing the Selection examination and having failed at the test, the orders of termination made have been passed. He also made reference to some decisions rendered by Principle Bench, which ofcourse deals with the merits of the case.

In view of the points raised in the application in our opinion they deserve consideration. Accordingly, the application is admitted. Having regard to the facts and circumstances of the case, including the fact that similarly situated candidate namely Mr.K.S. Sanyasi Rao, has been protected by the Hyderabad

Bench, We do not want to take a different stand, and, accordingly, at this stage we ~~gave the order~~ hereby direct that the operation of the impugned order dated 29.3.1989 issued by The Deputy Salt Commissioner, Ahmedabad, ~~is be~~ ~~stayed~~ suspended till further order. Interim stay be issued accordingly.

Direct service to respondent No. 2 ~~may be~~ permitted.

In view of the fact that the respondents have already filed their reply they have ~~already waived~~ the notice. However, the respondents are at liberty to file ~~any~~ additional reply, if any.

D. K. Chakravorty
(D.K. Chakravorty)
Administrative Member

S. M. Joshi
(P.M. Joshi)
Judicial Member